

**ORDINANCE NO. 131**

An Ordinance granting a revocable franchise to Indiana Michigan Power Company, its successors and assigns, the right to acquire, construct, maintain and operate in the streets, thoroughfares, alleys, bridges and public places of the Township of Bloomingdale, County of Van Buren, State of Michigan and its successors, lines and appurtenant equipment for the transmission and distribution of electric energy to the Township of Bloomingdale and the inhabitants thereof, and for the transmission and distribution of the same within, through and across said Township of Bloomingdale, County of Van Buren, State of Michigan.

The Township of Bloomingdale, of the County of Van Buren, State of Michigan, ordains:

**Section I.**

Indiana Michigan Power Company, its successors and assigns (hereinafter called 'Grantee') is hereby granted the right, privilege, franchise, and authority to acquire, construct, maintain (including vegetation clearance to prevent interference with Grantee's facilities) and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places ( as the same now exists or may hereafter be laid out) of the Township of Bloomingdale, County of Van Buren, State of Michigan, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenant equipment (the "Facilities") to render public utility service in said Township and to the inhabitants thereof, and persons or corporations beyond the limits thereof for all purposes for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through and across said Township of Bloomingdale, County of Van Buren, State of Michigan, subject to such reasonable regulations of the placement and operation of the Facilities as the Township Board shall prescribe from time to time and is permitted under applicable state law.

**Section II.**

Said lines and appurtenances shall be constructed so as interfere as little as possible with the proper lawful use of the streets, alleys and public places. The location of all poles, conduits and appurtenances shall be made under the supervision of the Township Board of said Township and shall be subject to such reasonable regulations as shall be prescribed by said Township from time to time.

**Section III.**

The rights, privileges and franchise hereby granted shall be in force and effect for a period of ten (10) years from the date of the passage of this Ordinance, but revocable at the will of the Township Board unless approved by vote of the electors.

The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Township of Bloomingdale hereby reserves the power to grant similar

rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

#### SECTION IV.

Said Grantee shall save the Township harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance, or operation of said Facilities, except to the extent arising out of the Township's negligence or willful misconduct.

#### SECTION V.

Whenever said Grantee shall begin the erection or installation of any lines or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition of repair as before such work was commenced.

#### SECTION VI.

Wherever in this Ordinance, reference is made to the Township or the Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges, franchises, and obligations herein contained by or on behalf of said Township, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said Township, or of said Grantee, whether so expressed or not.

#### SECTION VII.

This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

#### SECTION VIII.

This franchise shall take effect after its adoption, publication and acceptance as required by law.

Adopted: 01-20-2010

Effective: \_\_\_\_\_

  
\_\_\_\_\_  
Township Clerk

## PETITION FOR GRANT OF ELECTRIC SERVICE FRANCHISE

TO BLOOMINGDALE TOWNSHIP, VAN BUREN COUNTY, MICHIGAN.

Pursuant to the provisions of the Franchise for Use of Highways Act, 1909, PA 266, MCLA 460.601 et seq., MSA 22.171 et seq., petitioner INDIANA MICHIGAN POWER COMPANY (I&M), a unit of AMERICAN ELECTRIC POWER (AEP) respectfully represents that:


1. Petitioner is an investor-owned utility organized under the laws of the State of Michigan for the purpose of constructing and maintaining electric production, transmission and distribution systems for service in its service territory within the State of Michigan.
2. Petitioner has continuously provided electric service to its customers residing in Bloomingdale Township for a period in excess of 30 years during which period substantial and costly capital investment and construction has occurred.
2. Pursuant to the aforementioned statute, Bloomingdale Township may grant by franchise to Petitioner the right to use the highways, streets, alleys and other public places of the Township to set poles, string wires, lay pipes or conduits, and the right to operate and maintain the same, and the right to transact a local business subject to such reasonable regulations as the Bloomingdale Township may prescribe.

WHEREFORE, Petitioner respectfully requests that:

Bloomingdale Township grant to I&M, it's successors and assigns, a franchise giving I&M the right, power and authority for a period of thirty (30) years to acquire, construct, operate and maintain the necessary facilities for the production, transmission, distribution and sale of electric energy for public and private use, and to use and occupy the highways, streets, alleys, and other public places in Bloomingdale Township, Van Buren County, Michigan.

Date:

11-17-09

  
Barry Visel, Community Affairs Manager

TO LINDA:

FROM JIM:

REASON: MICH. POWER COMPANY ORDINANCE

DATE: 01-21-10

Please make appropriate changes to SECTION II.  
Show changes and send back to Mich.power for their approval.

DATE: RECEIVED: \_\_\_\_\_

SIGNATURE \_\_\_\_\_

THANK YOU

A handwritten signature in cursive script, appearing to read "Jim", is written below the printed text "THANK YOU".

ORDINANCE NO. \_\_\_\_\_

An Ordinance granting a revocable franchise to Indiana Michigan Power Company, its successors and assigns, for the right to acquire, construct, maintain, and operate in the streets, thoroughfares, alleys, bridges, and public places of the Township of Bloomingdale, Van Buren County, State of Michigan, and its successors, lines and appurtenant equipment for the transmission and distribution of electric energy to the Township of Bloomingdale, and the inhabitants thereof, and for the transmission and distribution of the same within, through, or across said Township of Bloomingdale, Van Buren County, State of Michigan.

The Township of Bloomingdale, Van Buren County, State of Michigan, ordains:

SECTION I.

Indiana Michigan Power Company, its successors and assigns (hereinafter called "Grantee") is hereby granted the right, privilege, franchise, and authority to acquire, construct, maintain (including vegetation clearance to prevent interference with Grantee's facilities), and operate in, above, under, across, and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist or may hereafter be laid out) of the Township of Bloomingdale, Van Buren County, State of Michigan, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenant equipment (the "Facilities"), to render public utility service in said Township and to the inhabitants thereof by supplying electric energy to said Township and the inhabitants thereof, and persons or corporations beyond the limits thereof for all purposes for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through, or across said Township of Bloomingdale, Van Buren County, State of Michigan, subject to such reasonable regulation of the placement and operation of the Facilities as the Township Board shall prescribe from time to time and as is permitted under applicable state law.

SECTION II.

Said Facilities shall be constructed in a manner that shall not unreasonably interfere with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.

SECTION III.

The rights, privileges, and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date of the passage of this Ordinance, but revocable at the will of the Township Board unless approved by vote of the electors.

The rights, privileges, and franchise hereby granted shall not be construed to be exclusive and the Township of Bloomingdale hereby reserves the power to grant similar

12.100      **ELECTRIC FRANCHISE (Ord. No. 7, Effective; Jan. 16, 1980,  
amend. March 20, 2010 )**

A franchise granting to Michigan Power Co., its successors and assigns, the right to acquire, construct, maintain and operate in the streets, thoroughfares, alleys, bridges, and public places of the Village of Bloomingdale, County of Van Buren County, State of Michigan, and its successors, lines for the transmission and distribution of electric energy to the Village of Bloomingdale and the inhabitants thereof and for the transmission and distribution of the same within, through or across said Village of Bloomingdale, County of Van Buren, State of Michigan. Be it resolved by the Village of Bloomingdale, of the County of Van Buren, State of Michigan, and it is hereby ordained by authority of the same that;

12.101      **Grant of franchise.**

Sec 1. Indiana Michigan Power Co., its successors and assigns (hereinafter called "Grantee") is hereby granted the right, privilege, franchise and authority to acquire, construct, maintain (including vegetation clearance to prevent interference with Grantee's facilities) and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places (as the same now exist or may hereafter be laid out) of the Village of Bloomingdale, County of Van Buren, State of Michigan, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenant equipment (the "Facilities"), to render public utility service in said Village and to the inhabitants thereof, by supplying electric energy to said Village and the inhabitants, and persons or corporations beyond the limits thereof, for all purposes for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through or across said Village of Bloomingdale, County of Van Buren, State of Michigan, subject to such reasonable regulations of the placement and operation of the Facilities as the Village Council shall prescribe from time to time and as is permitted under applicable state law. (ord.no. 7 eff. Jan. 16, 1980, amend. March 20, 2010)

12.102      **Construction, location of lines and appurtenances.**

Sec. 2. Said Facilities shall be constructed in a manner that shall not unreasonably interfere with the traveling public in its use of the streets, thoroughfares, alleys bridges, and public places. The location of all poles, conduits and appurtenances shall be made under the supervision of the Village Council of the said Village and shall be subject to such reasonable regulations as shall be prescribed by said Village Council from time to time. (ord. no. 7 eff. Jan. 16, 1980 amend. March 20, 2010)

12.103      **PERIOD OF FRANCHISE; FRANCHISE NONEXCLUSIVE.**

Sec. 3. The rights, privileges and franchise hereby granted shall be in force and effect for a period of ten (10) years from the date of the passage of this Ordinance, but revocable at the will of the Village Council.

The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Village Council of the Village of Bloomingdale, County of Van Buren, State of Michigan, hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations. (ord. no.7 eff. Jan. 16, 1980, amend. March 20, 2010)



12.104            **INDEMNIFICATION OF VILLAGE.**

Sec. 4. Said Grantee shall save the Village harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance or operations of said Facilities, except to the extent arising out of the Village's negligence or willful misconduct. (ord. no 7 eff. Jan. 16, 1980, amend. March 20, 2010)

12.105            **CONDITIONS OF WORK.**

Sec. 5. Whenever said Grantee shall begin the erection or installation of any lines or equipment it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition of repair as before such work was commenced. (ord. no. 7 eff. Jan. 16, 1980, amend. March 20, 2010)

12.106            **SUCCESSORS OR ASSIGNS OF VILLAGE AND GRANTEE.**

Sec. 6. Whenever in this Ordinance, reference is made to the Village or the Grantee, it shall be deemed to include the respective successors or assigns, of either and all rights, privileges, franchises, and obligation herein contained by or on behalf of said Village, or by or on behalf of said Grantee, shall be binding upon and inure to the benefit of the respective successors or assigns of said Village, or of said Grantee, whether so expressed or not. (ord. no. 7 eff. Jan. 16, 1980, amend. March 20, 2010)

12.107            **ACCEPTANCE BY GRANTEE.**

Sec. 7. This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same. (ord. no. 7 eff. Jan 16, 1980, amend. March 20, 2010)

12.108            **EFFECTIVE DATE.**

Sec. 8. This franchise shall take effect from and after its adoption, acceptance and publication as required by law.

Adopted and Accepted: January 8, 1980  
Published and Effective: January 16, 1980  
Confirmed by Electorate: March 10, 1980  
Amended March 20, 2010

## **FRANCHISE**

A franchise granting to Michigan Power Co., its successors and assigns, the right to acquire, construct, maintain and operate in the streets, thoroughfares, alleys, bridges and public places of the Township of Bloomingdale, County of Van Buren, State of Michigan and its successors, lines for the transmission and distribution of electric energy to the Township of Bloomingdale and the inhabitants thereof for light heat, power and other purposes; and for the transmission of the same within, through and across said Township of Bloomingdale, County of Van Buren, State of Michigan.

Be it resolved by the Township Board of the Township of Bloomingdale, of the County of Van Buren, State of Michigan, and it is hereby ordained by the authority of the same that:

### **Section I**

The Michigan Power Company, its successors and assigns (hereinafter called 'Grantee") is hereby granted the right, privilege, franchise, and authority to acquire, construct, maintain (including vegetation clearance to prevent interference with Grantee's facilities) and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places ( as the same now exists or may hereafter be laid out) of the Township of Bloomingdale, County of Van Buren, State of Michigan, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenant equipment (the "Facilities") to render public utility service in said Township and to the inhabitants thereof, by supplying electric energy to said Township, its inhabitants, entities, and businesses, for all purposes for which electric energy is now or may be hereafter used, and the transmission and distribution of the same within, through and across said Township of Bloomingdale, County of Van Buren, State of Michigan, subject to such reasonable regulations of the placement and operation of the Facilities as the Township Board shall prescribe from time to time and is permitted under applicable state law.

### **Section II**

Said lines and appurtenances shall be constructed in a manner that shall not unreasonably interfere with the proper lawful use of the streets, thoroughfares, alleys, bridges and public places. The location of poles, conduits and appurtenances shall be made under the supervision of the Township Board of said Township and shall be subject to such reasonable regulations as shall be prescribed by said Township from time to time.

### **Section III**

The rights, privileges and franchise hereby granted shall be in force and effect for a period of ten (10) years from the date of the passage of this Ordinance, but revocable at the will of the Township Board.

The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Township Board of the Township of Bloomingdale, County of Van Buren, State of Michigan,



hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations.

#### **Section IV**

Said Grantee shall save the Township harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance or operations of said Facilities, except to the extent arising out of the Township's negligence or willful misconduct.

#### **Section V**

Whenever said grantee shall begin the erection or installation of any lines or equipment it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges and public places where such work is done in as good condition of repair as before such work was commenced.

#### **Section VI**

Whenever in this ordinance, reference is made to the Township or the Grantee, it shall be deemed to include the respective successors or assigns, of either and all rights, privileges, franchises, and obligation herein contained by or on behalf of said Township, or by or on behalf of said Grantee, shall be binding upon an inure to the benefit of the respective successors or assigns of said Township, or of said Grantee, whether so expressed or not.

#### **Section VII**

This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

#### **Section VIII**

This franchise shall take effect from and after its adoption, acceptance and publication as required by law.

FRANCHISE

A franchise granting to Michigan Power Company, its successors and assigns, the right to acquire, construct, maintain and operate in the streets, alleys and public places of the Township of Bloomington, and its successors, lines for the transmission and distribution of electric energy to the Township of Bloomington, and the inhabitants thereof for light, heat, power and other purposes and for the transmission of the same within, through or across said Township of Bloomington, County of Van Buren, State of Michigan.

BE IT RESOLVED by the Township Board of the Township of Bloomington, County of Van Buren, State of Michigan, and it is hereby ordained by authority of the same that:

## Section I.

The Michigan Power Company, its successors and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places (as the same now exist or may hereafter be laid out) of the Township of Bloomington, County of Van Buren, State of Michigan, lines for the transmission and distribution of electric energy, to said Township and the inhabitants thereof, and persons or corporations beyond the limits thereof, for light, heat, power or any other purposes or purpose for which electric energy is now or may hereafter be used, and the transmission of the same within, through or across said Township of Bloomington, County of Van Buren, State of Michigan, subject to such reasonable regulations as the Township Board of said Township of Bloomington shall prescribe from time to time.

## Section II.

*REPLACE*

Said lines and appurtenances shall be constructed so as to interfere as little as possible with the proper lawful use of the streets, alleys and public places. The location of all poles, conduits and appurtenances shall be made under the supervision of the Township Board of the said Township and shall be subject to such reasonable regulations as shall be prescribed by said Township Board from time to time.

## Section III.

The rights, privileges and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date of the passage of this franchise.

ORDINANCE NO. \_\_\_\_\_

An Ordinance granting a revocable franchise to Indiana Michigan Power Company, its successors and assigns, for the right to acquire, construct, maintain, and operate in the streets, thoroughfares, alleys, bridges, and public places of the Township of Bloomingdale, Van Buren County, State of Michigan, and its successors, lines and appurtenant equipment for the transmission and distribution of electric energy to the Township of Bloomingdale, and the inhabitants thereof, and for the transmission and distribution of the same within, through, or across said Township of Bloomingdale, Van Buren County, State of Michigan.

The Township of Bloomingdale, Van Buren County, State of Michigan, ordains:

SECTION I.

Indiana Michigan Power Company, its successors and assigns (hereinafter called "Grantee") is hereby granted the right, privilege, franchise, and authority to acquire, construct, maintain (including vegetation clearance to prevent interference with Grantee's facilities), and operate in, above, under, across, and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist or may hereafter be laid out) of the Township of Bloomingdale, Van Buren County, State of Michigan, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenant equipment (the "Facilities"), to render public utility service in said Township and to the inhabitants thereof by supplying electric energy to said Township and the inhabitants thereof, and persons or corporations beyond the limits thereof for all purposes for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through, or across said Township of Bloomingdale, Van Buren County, State of Michigan, subject to such reasonable regulation of the placement and operation of the Facilities as the Township Board shall prescribe from time to time and as is permitted under applicable state law.

SECTION II.

Said Facilities shall be constructed in a manner that shall not unreasonably interfere with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.

SECTION III.

The rights, privileges, and franchise hereby granted shall be in force and effect for a period of ten (10) years from the date of the passage of this Ordinance, but revocable at the will of the Township Board unless approved by vote of the electors.

The rights, privileges, and franchise hereby granted shall not be construed to be exclusive and the Township of Bloomingdale hereby reserves the power to grant similar

#### **Section IV**

Said Grantee shall save the Township harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance or operations of said Facilities, except to the extent arising out of the Township's negligence or willful misconduct.

#### **Section V**

Whenever said grantee shall begin the erection or installation of any lines or equipment it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges and public places where such work is done in as good condition of repair as before such work was commenced.

#### **Section VI**

Whenever in this ordinance, reference is made to the Township or the Grantee, it shall be deemed to include the respective successors or assigns, of either and all rights, privileges, franchises, and obligation herein contained by or on behalf of said Township, or by or on behalf of said Grantee, shall be binding upon an inure to the benefit of the respective successors or assigns of said Township, or of said Grantee, whether so expressed or not.

#### **Section VII**

This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

#### **Section VIII**

This franchise shall take effect from and after its adoption, acceptance and publication as required by law.

Adopted: 01-20-2010

  
A handwritten signature in cursive script, reading "Linda Sheely", is written over a horizontal line.

Linda Sheely

Township Clerk